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COBURN CROFT-

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COBURN CROFT
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REPLY TO SAINT LOUIS OFFICE

Joseph O. Nassir
Ext. 325

December 3, 1993

Mr. Leonard M. Gelman
U.S. Department of Justice
Environmental Enforcement Section
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

Re: United States v. EL Industries, etal. - Removal of
Residential Soils in Granite City, Illinois

Dear Mr. Gelman:

As I explained to you during your call on Wednesday, the Defendants are considering various responses to U.S. EPA's unilateral decision to commence residential soil removal in Granite City. This decision is contrary to the agreement to reopen the Record on this very issue. It is pretty obvious from Mr. Fitzhenry's letter to you, dated November 9, 1993, that the City does not agree with this action. In addition, your reference to "an affected child", in your letter to the Court, is not consistent with the announced findings of the Illinois Department of Public Health and the other government-sponsored investigators. Their public statements indicate that in-home conditions, not lead in soil, was the source of the elevated levels found in their study.

Under these circumstances, we do not understand why you would undertake residential soil remediation at this time in light of the reopening of the Administrative Record. As the EPA has acknowledged, the ongoing clean-up, in its present piecemeal fashion, is proving to be very costly. The fact that this action has been taken after the case was stayed by the Court and without notice or explanation to the City or the Defendants is disconcerting.

You have indicated a willingness to share information with the Defendants to avoid possible action by the parties directed



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to the Court. If your expression of willingness was sincere, please respond to the questions set forth below within the next week or so.

1. If the work is not already underway, when do you plan to commence the residential work?
2. Please identify the location of all areas remediated to date or presently scheduled for future remediation. Do you have any idea how soon the health study will be released?
3. How many yards have been or will be remediated? What do you expect the total cost for residential soil removal, absent alleys and streets, to be?
4. What do you expect the cost of the residential soil removal, on a per yard basis, to be?
5. In the event lead soil results are inconsistent within the same yard, what methodology and contamination levels are being used to determine whether the soil will be removed?
6. Would you provide the defendants with copies of all residential soil test data not in the Record of Decision and not previously provided to the defendants?
7. Mr. Bradley indicated to the press that money was available from the Rapid Response Phase for this remediation. Wasn't this money supposed to be used for battery case material removal, consistent with the ESD?
8. Does EPA plan to seek additional funds to perform further residential soil removal prior to a decision following the reopening of the Record?
9. Is the EPA conducting further study of the pile area? If so, what is being done? Also, are you stockpiling any of the material until further study of the pile is completed? Please provide me with copies of any test results.

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list
fax to
Siegel
886-074

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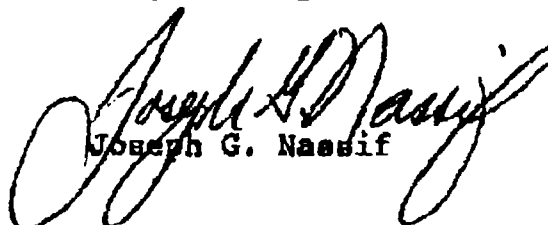
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This information is not only critical to any immediate action we might be considering, but it also is necessary from the standpoint of commenting on the Record. We would like to study this quickly without necessitating involvement of the Court. Please let me know if the information will be forthcoming.

Very truly yours,



Joseph G. Nassif

JGN:lla

cc: The Honorable James L. Foreman
All Counsel of Record
(Per Attached Service List)